

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 07-09-11**

Date Published: September 6, 2007

For Work Week Commencing: September 10, 2007

Commission Meeting: September 11, 2007 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live audio feed Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio feed link on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. Range Telephone Cooperative D2005.9.141 (Gary)
Interconnection Agreement Amendment

Range Telephone Cooperative (Range) filed for approval by the Commission interconnection agreement Amendment 2. Between Range and Cable & Communication Corporation (C&CC) in Docket No. D2005.9.141. this amendment adds the Range South Miles City exchange to the existing agreement which provides for Range and C&CC to exchange local telecommunications traffic (wireline to wireless and wireless to wireline) in the

Range, Montana local exchange areas. This amendment was voluntarily negotiated by the parties involved. Staff recommends approval of this amendment. Probable Motion: Move to approve the interconnection agreement Amendment 2. Between Range Telephone Cooperative and Cable & Communication Corporation (C&CC) in Docket No. D2005.9.141.

2. Qwest Corporation D2004.7.108 (Gary)
Interconnection Agreement Amendment

Qwest Corporation (Qwest) has filed for approval by the Commission an interconnection agreement amendment between Qwest and Qwest Communication Corporation (QCC) in Docket No. D2004.7.108. This amendment adds the terms, conditions, and rates to the existing interconnection agreement for Collocation Available Inventory service. Collocation Available Inventory service provides information regarding available collocation space. This amendment was voluntarily negotiated by the parties involved. Staff recommends approval of this amendment. Probable Motion: Move to approve the Collocation Available Inventory Interconnection Agreement Amendment between Qwest Corporation and Qwest Communications Corporation in D2004.7.108.

3. Qwest Corporation D2004.7.106 (Gary)
Interconnection Agreement Amendment

Qwest Corporation has filed for approval with this Commission a TRO/TRRO amendment to the existing interconnection agreement between Qwest and Covista, Inc. in Docket No. 2004.7.106. The FCC, with the guidance of the United States D.C. Court of Appeals, redefined what constitutes an unbundled network element (UNE) under Section 251 of the 1996 Telecommunications Act. Specifically, the FCC issued its Triennial Review Order (TRO) effective October 3, 2003. This was followed by the United States D.C. Court of Appeals USTA II decision on March 2, 2004. Finally, the Commission issued its Triennial Review Remand Order (TRRO) on March 11, 2005. The effect of these orders and decision was to remove a number of UNES from the list of UNES required to be offered to competitive local exchange carriers (CLECs). This amendment lists approximately 30 UNES which Qwest and Covista have agreed are no longer required to be offered under Section 251. The amendment was voluntarily negotiated by the parties. Staff recommends approval of this amendment. Probable Motion: Move to approve the TRO/TRRO interconnection agreement amendment between Qwest Corporation and Covista, Inc. in Docket No. D2004.7.106.

4. Montana-Dakota UtilitiesD2007.7.90

(Dave)

On July 25, 2007 Montana-Dakota Utilities (MDU) filed a request to change the date of the annual Unreflected Gas Cost Adjustment filing required under its Gas Cost Tracking Adjustment Rate 88 (PGA) from May 1 each year to October 1 each year. The change is requested to better match the effects of the withdrawals of gas from storage with the replacement of that gas within the same annual period. MDU believes this will reduce the fluctuations in the annual tracking adjustment as well as reduce the need for out-of-cycle unreflected gas cost adjustments. MDU asks for an October 1, 2007 effective date. Probable motion: Approve MDU's request.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. N2007.8.94 – PSC Initiated – OSP Rate Caps- Request approval of new rate caps for period October 1, 2007 to September 30, 2008. (9/11/07)
2. D2005.6.105 – PSC Initiated – Qwest USF, PSC Investigation and Direction on Use of Federal Funds – Update or status report, discussion, direction, action on motions and objections, other matters as necessary. (9/11/07)
3. D2007.4.36 – Montana-Dakota Utilities Co. – Annual Gas Cost Tracker – Discussion, direction, action on motion for protective order, other matters as necessary. (9/11/07)
4. D2006.6.94 and D2007.6.59 (consol.) – NorthWestern Energy – Annual Qualifying Facility Avoided Costs – Discussion, direction, action on request for interim rates, objections and motions related to discovery and other matters, timing of filings, sanctions, and any other matters necessary, if any. (9/11/07)
5. Court, DV-07-57 – Colstrip Energy Limited Partnership – Judicial Review and Complaint, CELP v. PSC/NWE – Status report, discussion, direction, action as necessary. (9/11/07)

6. D2007.7.82 – NorthWestern Energy – Application for Approval for Authority to Establish Increased Natural Gas and Electric delivery Service Rates – Discuss and act on NWE’s motion for reconsideration of Procedural Order 6852. (9/11/07)
7. D2007.5.46 & D2006.5.66 – NorthWestern Energy – Application for Approval of Electric Supply Deferred Cost Account Balance and Projected Electric Power Supply Cost – Discuss and act on motion to modify schedule filed by NRDC, HRC – XI and RNP. (9/11/07)
8. D2007.7.82 – NorthWestern Energy – Application for Approval for Authority to Establish increased Natural Gas and Electric Delivery Service Rates – Discuss and act on NWE’s motion for protective order. (9/11/07)
9. N2007.8.102 – Payment Arrangement with NWE – Approve a payment arrangement between complainant and NWE. (9/11/07)
10. N2007.8.103 – Payment Arrangement with NWE – Approve a payment arrangement between complainant and NWE. (9/11/07)
11. Organization of MISO States (OMS) Comments to FERC – Discuss draft OMS comments. (9/11/07)
12. Out of State Staff Travel – Request of Bryan Baldwin to attend the Midwest Dmand Response Initiative meeting with OMS Commissioners and staff, September 24, 2007, Chicago IL. (9/11/07)
13. **9/13/07 9:00 a.m.** – D2006.3.39 – Qwest – Qwest’s Filing to Offer Certain Services as not Regulated – Discuss any and all matters related to this docket. (9/13/07)

Other Meetings

9/13/07 1:30 p.m. – Public Meeting – PSC’s Electronic Filing System (Bollinger Room)

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action

items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

1. E-Energy, Inc. N2007.8.101 (Kate)

On August 31, 2007, E-Energy, Inc. filed an application for an electricity supplier license pursuant to ARM 38.5.8001 et seq. E-Energy intends to serve industrial and commercial customers over 20 kW.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

1. NorthWestern Energy (NWE) D2007.5.46 & D2006.5.66 (AI)

On September 4, 2007, NWE filed a motion for protective order to govern access to certain confidential information that will be provided in response to data requests. Specifically, NWE seeks protection of actual expenses, prices, volumes shown on monthly invoices related to a contract with Bonneville Power Administration requiring confidentiality by its terms. NWE asserts that the information is trade secret and/or confidential business information.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

Information Items All items identified below are for information only.

New Filings Received in Past Week

N2007.8.101 – E-Energy, Inc. – Application for license to supply electricity

N2007.8.102 – NorthWestern Energy - Request for Commission intervention to establish a customer's payment arrangement

N2007.8.103 - NorthWestern Energy - Request for Commission intervention to establish a customer's payment arrangement